

VZCZCXYZ0000  
RR RUEHWEB

DE RUEHGV #0030/01 0141032  
ZNY CCCCC ZZH  
R 141032Z JAN 08  
FM USMISSION GENEVA  
TO RUEHC/SECSTATE WASHDC 5913  
INFO RUEHZJ/HUMAN RIGHTS COUNCIL COLLECTIVE  
RUEHKI/AMEMBASSY KINSHASA 0648  
RUEHFR/AMEMBASSY PARIS 3285

C O N F I D E N T I A L GENEVA 000030

SIPDIS

SIPDIS

E.O. 12958: DECL: 01/09/2018  
TAGS: [PHUM](#) [PREL](#) [PGOV](#) [CG](#)  
SUBJECT: PROSPECTS FOR DRC MANDATE IN THE HUMAN RIGHTS  
COUNCIL REFLECT POLITICAL DYNAMIC ON COUNTRY RESOLUTIONS

REF: A. 07 GENEVA 2373

[1](#)B. 07 GENEVA 2626

Classified By: DCM Mark C. Storella. Reasons: 1.4(b/d).

[1](#)1. (C) SUMMARY: The mandate of the UN Independent Expert on the Democratic Republic of Congo (DRC), whose extension the Human Rights Council postponed last year after strong resistance from African and other delegations, now appears more likely to be extended, albeit perhaps with modifications, when it again comes up for consideration in March. The DRC reportedly seems more willing to accept an extension, and opposition to the general principle of country mandates has lessened somewhat following the extension of three other such mandates recently. At least from the Mission's perspective, extending the mandate -- assuming it is not significantly watered down -- would be beneficial both in helping maintain an instrument for focusing Council attention on the situation in the DRC and in giving a further boost to preserving the overall principle of country mandates. END SUMMARY.

MANDATE EXTENSION STYMIED, INDEPENDENT EXPERT ENERGIZED  
-----

[1](#)2. (U) When the HRC meets in the four weeks of its March regular session, the mandate of the Independent Expert on the Situation of Human Rights in the Democratic Republic of the Congo will return to its agenda. As noted ref a, extension of that mandate was postponed at the HRC's September regular session, both because the DRC did not clarify whether it agreed to extending it and because of broader criticism of the general principle of continuing with country mandates.

[1](#)3. (C) Supporters of the mandate were frustrated not only by the failure to extend it in Geneva but also by the inactivity of the Independent Expert, Titinga Frederic Pacere (of Burkina Faso). Belgium's Deputy PermRep told us his government, which continues to be deeply concerned with developments in the DRC, was unhappy that Pacere had not visited the DRC for over two years, and helped succeed in persuading him to do so. At the end of his November 27-December 6 visit, including to the DRC's eastern region, Titinga expressed alarm about developments in the country, including a flawed justice system that allowed for impunity and sexual violence.

DRC MORE OPEN TO ITS COUNTRY MANDATE?  
-----

[1](#)4. (U) Among the hindrances to an extension at the September HRC session had been lack of clarity about the DRC's position on the issue. A number of African states have taken the position that they will not support extension of an existing

mandate or establishment of a new one unless the concerned government approves, although that view is not universally shared within the African Group. (Precisely to avoid such problems, Liberia, which does not maintain a mission in Geneva, sent its Paris-based ambassador to the December Council session to make clear his government's support for extending the Liberia mandate. The extension was adopted by consensus.)

¶5. (C) Both the Belgian DPR and the head of the Africa department in the Office of the High Commissioner for Human Rights (OHCHR) told us they understood that Pacere had also used his visit to increase DRC officials' openness to an extension. Above all, we were told, Pacere's lengthy meeting with the DRC Defense Minister eased the government's concerns about the issue. Although it remains unclear what position the DRC will take in March, our interlocutors were hopeful that its delegation would express support for extending the mandate, although perhaps accompanied by a demand that it be modified to focus more heavily on technical assistance rather than on tracking and reporting on human rights problems.

#### LESS RESISTANCE TO COUNTRY MANDATES

-----

¶6. (C) Consideration of the DRC mandate must also be viewed within the context of a broader debate about the principle of maintaining country mandates as a whole. Opponents of such mandates have asserted that they reflect an outdated "name and shame" approach. At the September session, some African delegations even argued that the African Group was opposed to country mandates in principle, although members of some moderate African governments' delegations deny this. Egypt and other African governments sympathetic to Sudan also hindered extension of the DRC mandate in September with an eye to working against renewing the HRC's Sudan mandate.

¶7. (C) Although many countries continue to oppose a weakened form (ref b). Whereas earlier, opponents of country mandates had hoped to have them all considered as a package, the extension of those three reduces the prospects for package consideration, with its potential dangers for the principle of having such mandates at all. This new context is another encouraging sign for those hoping for an extension of the DRC mandate (as well as the one for Somalia, which will also come up for consideration).

#### COMMENT

-----

¶8. (C) Whether Pacere's recent visit to the DRC signifies renewed vigor on his part remains unclear, although our OHCHR contact tells us that another visit may be in the works ahead of the March session, which would allow Pacere to provide an updated report to the Council. From the perspective of Geneva, however, an extension of the DRC mandate, as long as it is not significantly watered down, would be important in terms of the Human Rights Council's dynamic. First, it would mean that in future, the Council would continue to receive its annual report from the Independent Expert, thus ensuring that the DRC's situation receives at least something of a spotlight in that body. In addition, it would further strengthen the existence of country mandates, thus helping to beat back those who, in trying to further weaken the Council's ability to address serious human rights situations, seek to eliminate such mandates.

TICHENOR